

physiological activity for mammals, based on the disclosure at page 4, lines 10-12 of the specification. Accordingly, the rejection under 35 U.S.C. § 112 has been rendered moot.

In order to more clearly define the present invention, "comprising" in claim 1 has been changed to --consisting essentially of--; and numbers (1)-(3) have been inserted for each of the components of the powder composition.

Attached hereto is a marked-up version of the changes made to claim 1 by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

New claims 14 and 15 have been added to the application. These claims are directed to subject matter disclosed in the first full paragraph on page 4 of the specification.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1 and 12 under 35 U.S.C. § 102(b) as being anticipated by "notoriously well known food powders such as Tang, Kool-Aid, Hershey's cake powder" is respectfully traversed.

Although Tang and Kool-Aid are well known (Applicants' attorney is not familiar with Hershey's cake powder), it is not notoriously well known that these products contain each of the required components of the presently claimed powder composition, i.e. (1) a member selected from perfumes, coloring agents and the recited functional substances, (2) trehalose and (3) water-soluble hemicellulose. The burden is on the Examiner to show that these so-called notoriously well known food powders contain each of these components.

The rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Vermeer is respectfully traversed.

The Examiner states that Vermeer (U.S. Patent 5,880,076) teaches a powder consisting of perfumes, coloring agents, functional substances, trehalose and water-soluble hemicellulose (column 14, lines 15+, column 21, lines 25+).

Vermeer discloses personal product and detergent compositions comprising a compound selected from the group consisting of cyclic glycacarbamate, glycaurea and mixtures thereof, and a surfactant.

Trehalose and hemicellulose, which the Examiner indicates are mentioned in Vermeer, are only listed as raw materials for the production of glycamine or alkylglycamine, as is seen in column 13, lines 61-62, as follows:

Examples of suitable saccharides that can be reduced to a glycamine or alkylglycamine include...,

and, thus, Vermeer teaches or suggests nothing about admixing trehalose and/or hemicellulose per se with personal product and detergent compositions.

Hence, the subject matter of claim 1 of the present application is not anticipated by Vermeer.

The rejection of claims 2-4 and 12 under 35 U.S.C. § 102(e) as being anticipated by Nakamura et al. is respectfully traversed.

Nakamura et al. (U.S. Patent 6,045,847) disclose a rice cooking method comprising treating polished rice with water-soluble hemicellulose, and in column 4, line 20, trehalose is listed as an example of other quality enhancers and additives.

Nakamura et al., however, teach or suggest nothing about combining trehalose and water-soluble hemicellulose with at least one component selected from the group consisting of perfumes, coloring agents and functional substances and formulating them into a powder composition as recited in amended claim 1.

The rejection of claims 5-10 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura is respectfully traversed.

As indicated above, Nakamura et al. fails to teach or suggest a powder composition as recited in presently amended claim 1, which in addition to trehalose and water-soluble hemicellulose, must contain at least one member selected from perfumes, coloring agents and the recited functional substances, which have a biological regulatory effect or physiological activity for mammals. In the

absence of this suggestion, the presently claimed invention is considered to be patentable over Nakamura et al.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended) A powder composition [comprising] consisting essentially of (1) at least one component selected from the group consisting of perfumes, coloring agents and [functional] substances having a biological regulatory effect or physiological activity for mammals, (2) trehalose and (3) water-soluble hemicellulose.